

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Eijiro WATANABE et al.

Application No.: 09/301,766

Confirmation No.: 6045

Filed: April 29, 1999

Art Unit: 1638

For: RAFFINOSE SYNTHASE GENES AND THEIR  
USE

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Examiner: D. H. Kruse

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

MS Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Non-Compliant Appeal Brief mailed on October 4, 2007, Applicant submits herewith a complete new Appeal Brief in compliance with 37 C.F.R. § 41.37 as follows:

On October 4, 2007, the Examiner mailed a Notice of Non-Compliant Appeal Brief in the above-identified matter ("Notice"). The Notice indicates that the Appeal Brief filed July 22, 2007 was not compliant with the rules for the format of an Appeal Brief in that:

2. The Appeal Brief fails to provide the status of all the claims filed in the application.

A corrected copy of the Appeal Brief is provided attached hereto. Page 5 of the Appeal Brief, reciting the status of the claims, has been corrected to indicate expressly that claims 2, 3, 11-15, 24-27 and 30 have been canceled.

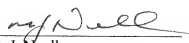
Applicants' Representative believes that the supporting copies of evidence listed in Appendix B have been received, and so additional copies are not provided.

Entry of the corrected Appeal Brief and forwarding of the application to the Examiner for the Appeal Conference and preparation of the Examiner's Answer, if necessary, are requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: NOV - 1 2007      Respectfully submitted,

By   
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